

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:23-CR-020-01-H

TERRELL CHARLES FRYAR,

Defendants.

**ORDER GRANTING DEFENDANT'S
MOTION FOR CONTINUANCE OF TRIAL**


Upon consideration of the Defendant's Unopposed Motion for Continuance of Trial Date and Extension Regarding All Deadlines (Dkt. No. 30), the motion is granted. The trial is reset to December 4, 2023, at 9:00 a.m. in the United States District Court, Courtroom C-216, 1205 Texas Avenue, Lubbock, Texas 79401. The pretrial conference is reset to December 4, 2023, at 8:30 a.m. Pretrial motions and the defendant's discovery are due by November 6, 2023. Responses to any pretrial motions are due by November 20, 2023. Pretrial materials, as detailed in the Court's scheduling order, are due by November 27, 2023.

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court may grant an "ends of justice" continuance at the request of a defendant or defendant's attorney if the Court finds that "the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." One of the factors the court may consider in granting an "ends of justice" continuance is "[w]hether the failure to grant such a continuance . . . would deny

counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv).

For the reasons set out in the defendant’s motion, the Court finds that (1) the ends of justice served by the granting of a trial continuance outweigh the best interests of the public and the defendant in a speedy trial; (2) the failure to grant a continuance in this case would deny defendant’s counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence; and (3) taking into account the exercise of due diligence by defense counsel, a continuance of the duration granted by this order is necessary for effective preparation by defense counsel.

So ordered on August 15, 2023.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE